



State of Ohio Environmental Protection Agency

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FILE: 5401.8

George V. Voinovich  
Governor

1684

September 3, 1998

RE: DOE FEMP  
COMMENTS: NRIA & NRRP

Mr. Johnny Reising  
U.S. Department of Energy, Fernald Area Office  
P.O. Box 538705  
Cincinnati, OH 45253-8705

Dear Mr. Reising:

Ohio EPA has reviewed DOE's July 1998 submittal "Revised Fernald Natural Resource Impact Assessment and Restoration Plan." Attached are Ohio EPA's comments on the document. Hopefully DOE can incorporate these comments into a revised document prior to the September 23, 1998 workshop.

If you have any questions, please contact me.

Sincerely,

Thomas A. Schneider  
Fernald Project Manager  
Office of Federal Facilities Oversight

cc: Jim Saric, U.S. EPA  
Terry Hagen, FDF  
Ruth Vandergrift, ODH  
Mark Shupe, HSI GeoTrans  
Francie Barker, Tetra Tech EM Inc.  
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Vanessa Steigerwald, DERR/CO

Tim Kern, Ohio Attorney General Office  
Mike Chezick, USDOJ

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**NATURAL RESOURCE IMPACT ASSESSMENT  
AND  
NATURAL RESOURCE RESTORATION PLAN**

Natural Resource Impact Assessment

- 1)      Commenting Organization: Ohio EPA                      Commentor: OFFO  
          Section #: General Comment Pg #:    Line #:                      Code: C  
          Original Comment #:  
          Comment: Ohio EPA believes the Impact Assessment in it's current state provides sufficient basis to support the Trustees April 1998 proposed agreement on restoration. However, should DOE fail to follow through on that agreement, Ohio EPA does not believe the Impact Assessment is sufficiently accurate to negotiate a different agreement. Therefore if DOE is unable to commit to the proposed agreement, the Impact Assessment will need to be revised and resubmitted for review by Ohio EPA and the other Trustees.

Natural Resource Restoration Plan

- 2)      Commenting Organization: Ohio EPA                      Commentor: OFFO  
          Section #: 1.5 Pg #: 1-4 & 5                      Line #:                      Code: C  
          Original Comment #:  
          Comment: Further clarification needs to be added to this section with regard to the approach used to address the significant natural resource injury to the Great Miami Aquifer (GMA). Through a natural resources damage assessment, like natural resources need to be restored, replaced, rehabilitated or equivalent natural resources acquired to compensate for the injured natural resources. Both primary and compensatory restoration are required to fully compensate for natural resource injuries. In practice, both trustees and responsible parties define "primary restoration" as measures that return injured natural resources to their baseline conditions, and "compensatory restoration" as measures that are intended to replace the services that the public foregoes pending the return of injured natural resources to their baseline conditions.

With this significant ground water resource and injury to it, it is difficult to separately address primary and compensatory restoration. As a result, the NRTs have agreed to address the ground water issues as a whole. A detailed description/summary should be added with regard to all of the activities that DOE has done and is going to conduct with regard to restoring, replacing, and rehabilitating the injured ground water resource. DOE is spending significant amounts to restore this valuable injured natural resource and has provided a replacement supply of potable water to the residents in the meantime. In addition, protecting a portion of the Paddy's Run watershed and restoring additional wetlands will contribute to the recharge of the GMA. The education component of this project will be important with regard to educating the public and future generations. All of these items together have been considered by the NRTs in an effort to address the compensation required for injuries to ground water. As a result, the primary and compensatory restoration measures have been considered as a package to address the natural resource damages.

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- 3) Commenting Organization: Ohio EPA Commentor: OFFO  
 Section #: 2.1.3 Pg #: 2-2 Line #: 13 Code: C  
 Original Comment #:  
 Comment: Ohio EPA suggests removal of the sentence stating, "Wildlife will not be introduced into any particular habitat." Such an exclusion at this early stage of planning may be premature and overly restrictive. The trustees may wish to consider introductions in the future, such as salamanders, fish, etc.. Thus remaining silent on this issue within the NRRP seems most appropriate.

- 4) Commenting Organization: Ohio EPA Commentor: OFFO  
 Section #: 4.0 Pg #: Line #: Code: C  
 Original Comment #:  
 Comment: The items discussed in the comment on Section 1.5, pages 1-4 to 1-5 need to be reiterated in this section. The GMA is a critical natural resource that has significant injury. A detailed description/summary of the activities conducted and in progress by DOE need to be discussed in Section 4.0. Therefore, create a separate subsection in Section 4.0 to discuss the ground water approach and restoration activities.

In addition within this section, discussion of the ground water education component of the NRRP should be included. It is realized that the details of this component have not yet been worked out with DOE and the NRTs. However, it should at least be discussed that a ground water education component will be developed in the future working with the NRTs. It is envisioned that this educational component may have several related projects that include a permanent display at the FEMP and educational materials developed for use by schools, community organizations, etc. This education component of the NRRP will address the GMA as a valuable natural resource along with the importance of environmental protection of our valued natural resources.

- 5) Commenting Organization: Ohio EPA Commentor: OFFO  
 Section #: 4.3.1 Pg #: 4-4 Line #: Code: C  
 Original Comment #:  
 Comment: Ohio EPA recommends inclusion of the objectives of expanding the Paddys Run flood plain to the extent feasible and creation of forested wetland to the extent feasible within the Area 8 Phase II Revegetation project functional objectives.
- 6) Commenting Organization: Ohio EPA Commentor: OFFO  
 Section #: 4.3.2 Pg #: 4-6 Line #: 1-3 Code: C  
 Original Comment #:  
 Comment: Ohio EPA disagrees with DOE's proposed grazing schedule. Ohio EPA recommends the termination of all grazing in the year 2000. This will cease the negative impacts grazing is

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currently having on the site vegetation, Paddys Run erosion and the riparian corridor. Additionally, early cessation of grazing will allow a better understanding of the potential restoration options for the various areas. Given a couple years of growth without grazing the vegetation may suggest better restoration strategies than are currently planned. Such an approach is likely to save restoration dollars and result in a higher probability of success for restoration efforts. Considering DOE has extended the schedules on a number of projects, Ohio EPA believes this is an appropriate and effective way to achieve a short term improvement. Finally, this action would be consistent with the Fernald Citizens Advisory Board recommendation that the site not be used for agricultural purposes.

- 7) Commenting Organization: Ohio EPA                      Commentor: OFFO  
 Section #: 4.4.1              Pg #: 4-7              Line #: 15              Code: E  
 Original Comment #:  
 Comment: Ohio EPA believes the "not" should be removed from the sentence. If our assumption is incorrect, please explain the text.
  
- 8) Commenting Organization: Ohio EPA                      Commentor: OFFO  
 Section #: 4.13              Pg #: 4-32              Line #: 22-23              Code: C  
 Original Comment #:  
 Comment: Obviously enforceable milestones will need to be developed for whatever formalized document DOE and Ohio use to resolve Ohio's NRDA claim. Hopefully, DOE is working on developing a list of such dates.
  
- 9) Commenting Organization: Ohio EPA                      Commentor: OFFO  
 Section #: Table 4-1              Pg #:              Line #:              Code: C  
 Original Comment #:  
 Comment: The table does not provide a date for completion of the Paddys Run Conceptual Restoration Plan. As this document will be key to planning restoration of a number of the areas along Paddys Run, dates for development and submittal of the document should be provided.
  
- 10) Commenting Organization: Ohio EPA                      Commentor: OFFO  
 Section #: 5.0              Pg #: 5-1              Line #:              Code: C  
 Original Comment #:  
 Comment: Obviously monitoring will be an important part of determining the success of restoration projects and thus settlement of the claim. Ohio EPA expects the project specific plans will provide more detailed monitoring requirements and expectations in order to evaluate the success of restoration. It needs to be added in this paragraph that the appropriate monitoring to be conducted and the interpretation of the monitoring results will be coordinated with the natural resource trustees.

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- 11) Commenting Organization: Ohio EPA Commentor: OFFO  
Section #: 6.0 Pg #: 6-1 Line #: Code: C  
Original Comment #:  
Comment: Ohio EPA recommends updating this section to include reference to: the dates of the various scheduled meetings, the factsheets being developed, and DOE's Environmental Assessment on final land use.
- 12) Commenting Organization: Ohio EPA Commentor: OFFO  
Section #: 7.0 Pg #: 7-2 Line #: 1-5 Code: C  
Original Comment #:  
Comment: Is the "final land use and ownership plan" being referenced in this section the same as the Environmental Assessment for Future Land Use? If not when will this document be developed and submitted for review? If so, where would the reviewer find a copy of the "institutional control plan" referenced in the section. Institutional controls and continued government ownership will be necessary to resolve the NRDA claim without such commitments the longevity of restoration efforts can not be assured.